

**National Park Service
U.S. Department of the Interior
Fire Island National Seashore**



Superintendent's Compendium

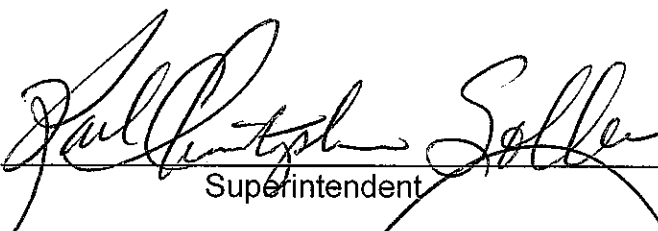
REVISED August 1, 2014

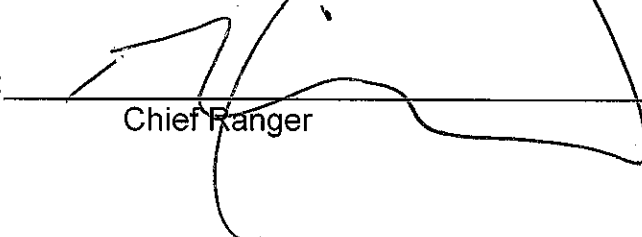
Introduction

The Superintendent's Compendium is a compilation of Designations, Closures, Request Requirements and Other Restrictions imposed under the discretionary authority of the Superintendent.

The following regulatory provisions are established for the proper management, protection, government and public use of Fire Island National Seashore under the jurisdiction of the National Park Service. These are in accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by Title 16, United States Code, Section 3. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, are required by Section 1.5(c) and appear in this document in *italicized* print.

Approved:  Date: 8/1/2014
Superintendent

Recommended:  Date: 8/1/2014
Chief Ranger

Contact Information: Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11772

(831) 687-4751 – Superintendent's Office
(831) 687-4757 – Chief Ranger's Office

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Updates

The overall formatting of the Superintendent's Compendium has been updated to make the document easier to read. Any regulatory changes affecting the content of the compendium are outlined below. Regulations that did not have justifications have been updated to include this requirement.

36 CFR § 1.5(a)(1)

Visiting Hours

This section has been reworded to identify those buildings open to the public under established hours of visitation. Hours of operation have been removed from the compendium since they change seasonally and may also vary based on staffing and funding levels. The most applicable information concerning hours of operation will be the park's website at www.nps.gov/fiis.

The section referencing additional restrictions on the hours of operation at the Manor House at the William Floyd Estate was removed. The section referenced operational protocols, such as only being available as a guided tour, and is not regulatory information.

The section referencing additional restrictions on the hours of operation at the Fire Island Lighthouse Tower was removed. The section referenced operational protocols, such as only being available as a guided tour, and is not regulatory information.

Vessel Docking

This section has been reworded to cut down on redundancy and to make it easier to read.

Vehicle Requirements

This section, which addressed all-wheel drive vehicles versus four wheel drive vehicles and vehicle equipment requirements, has been removed as these are both permit issuance requirements that can be enforced under 36 CFR § 1.6.

Vehicle Restrictions

This section has been reworded to cut down on redundancy and to make it easier to read.

Shelter for Day Use

The term small tent was previously undefined. A small tent has been defined as a tent that will fit in a 6 ft. by 6 ft. footprint.

Public Nudity

This section of the compendium has been revised to account for a continued law enforcement approach at Fire Island National Seashore versus the initial focused enforcement plan that was put into effect when the Seashore adopted the State of New York public nudity laws under the Assimilative Crimes Act. Now that the implementation phase has been completed, the Seashore will broadly enforce the public nudity laws based on the totality of the circumstances and in accordance with the mission of the National Park Service and Fire Island National Seashore.

Unmanned Aircraft

The section of the compendium related to unmanned aircraft has been added pursuant to National Park Service Policy Memorandum 14-05, which is an interim policy that has been put in place to ensure that the use of unmanned aircraft is addressed in a consistent manner by the NPS before a significant level of such use occurs within the National Park System. This closure has been put in place to maintain public health and safety in units of the National Park System and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on the lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.

36 CFR § 2.5

The section on research specimens has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 2.10

This section has been reworded to make the camping regulations easier to read and understand.

Fires and Stoves

The section on fires and stoves has been removed as it is already addressed in 36 CFR § 2.13.

Age Requirements for Camping

The language in this section has been changed to identify the permit holder as the member of the party that must be at least 18 years of age.

36CFR § 2.12

The section on audio disturbances has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 2.21

The section pertaining to smoking on decks and boardwalks has been removed as its original intent was to address the potential risk fire presents to park resources. Regulations as they pertain to the proper disposal of lighted or smoldering material can be found in 36 CFR § 2.13(a)(5).

36CFR § 2.35**Alcoholic Beverage Closure Atlantique/Corneille Estates**

A section has been added to the compendium to prohibit the consumption and/or possession of alcoholic beverages on the two Federal tracts of land located between the Town of Islip communities of Atlantique and Corneille Estates. This closure has been put into effect in order to mitigate public health and safety issues as well as resource degradation.

36 CFR § 2.37

The section on noncommercial soliciting has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 2.38

The section on explosives has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 2.50

The section on special events has been removed as it was a direct quote from the regulations contained in 36 CFR.

36CFR § 2.52

The section on the sale and distribution of printed matter has been removed as it was a direct quote from the regulations contained in 36 CFR.

36CFR § 2.61

The section on residing on Federal lands has been removed as it was a direct quote from the regulations contained in 36 CFR.

36CFR § 2.62

The section on memorialization has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 3.19

The section on use of submersibles has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 4.21

The section pertaining to speed limits has been removed as the regulations established in this section exist in 36 CFR § 7.20(a)(11).

36 CFR § 5.1

The section on advertisements has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 5.3

The section on business operations has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 5.5

The section on commercial photography has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 5.6

The section on commercial vehicles has been removed as it was a direct quote from the regulations contained in 36 CFR.

36 CFR § 5.7

The section on the construction of buildings or other facilities has been removed as it was a direct quote from the regulations contained in 36 CFR.

Part 1 – General Provisions

36 CFR § 1.5 – Closures and Public Use Limits

1. The Superintendent may close all or portions of the park during periods of inclement weather, based on forecasts of inclement weather, or due to other hazardous conditions. Closures will be identified by posting signs, maps, media notifications, and/or barriers and gates as appropriate. (Ref: 36 CFR § 1.5(a))

Justification: Roads and other facilities may be closed during periods of inclement weather or periods of other hazardous conditions in order to ensure public safety. Areas of new construction, reconstruction or rehabilitation may be closed to visitors for safety reasons and to avoid unreasonable conflict with authorized work.

2. The following buildings have been identified as open to the public during established hours of visitation. Hours of visitation may vary seasonally and they may be affected by current staffing levels and funding. Current hours of visitation at all Seashore locations can be found at the park website at www.nps.gov/fiis. (Ref: 36 CFR § 1.5(a))

- a. The Fire Island Wilderness Visitor Center
- b. The Park Headquarters Building
- c. The Watch Hill Visitor Center
- d. The Sailors Haven Visitor Center
- e. The Patchogue Ferry Terminal
- f. The Fire Island Light Station (Lighthouse Tower – by guided tour only)
- g. The William Floyd Estate (Manor House – by guided tour only)

Justification: Visiting hours have been established to promote an enjoyable visitor experience based on anticipated visitation and current staffing levels.

3. The following docks have a public use limit of 14 consecutive days in a 21 day period:

- o Watch Hill Marina
- o Sailors Haven Marina (Ref: 36 CFR § 1.5(a))

Justification: Fire Island National Seashore marinas are desirable vacation facilities. Time restrictions promote a healthy and equitable turnover of park visitors by ensuring that no vessels occupy a marina slip for the duration of the summer.

4. Vessels may not anchor in the Great South Bay within Park boundaries for more than 14 days in a 21 day period. (Ref: 36 CFR § 1.5(a))

Justification: Fire Island National Seashore provides desirable anchorages for visitors. Time restrictions promote a healthy and equitable turnover of park visitors.

5. The following dock restrictions are in place at the Seashore:

- a. Vessels may dock at the Barrett Beach Dock for no more than 15 minutes in order to load or unload. This regulation does not apply to vessels utilized by authorized agencies for official business.
- b. The Lighthouse Annex dock is closed to public use. This regulation does not apply to vessels utilized by authorized agencies for official business or vessels authorized under a special use permit or commercial use authorization.
- c. Vessels may use the Patchogue Ferry Terminal and adjacent bulkhead for no more than 30 minutes in order to load or unload. This regulation does not apply to vessels utilized by authorized agencies for official business. Vessels may at no time interfere with the use of the dock by a passenger ferry.
- d. Docking a vessel at the Patchogue Headquarters docks is prohibited, except to load and unload, or with the written permission from the Superintendent.
- e. The Patchogue Maintenance Facility (PMF) is closed to public use. This regulation does not apply to vessels utilized by authorized agencies for official business or vessels authorized under a special use permit or commercial use authorization. (Ref: 36 CFR § 1.5(a))

Justification: These restrictions have been put in place to specify where the general public can dock and to establish safe docking conditions at those sites.

6. The following vehicle operation restrictions are established for the Seashore:

- a. Operating a motor vehicle is prohibited on the 6.5 mile stretch of ocean beach from the western boundary of Smith Point County Park to Watch Hill from March 15 through Labor Day each year, with the exception of law enforcement and emergency response vehicles serving in an official capacity, or vehicle operators with written authorization from the Superintendent.
- b. Operating a motor vehicle is prohibited on the 0.9 mile stretch of ocean beach between the Oakleyville Dune Crossing and the Sailors Haven east dune crossing between March 15 and September 7, with the exception of approved law enforcement and emergency response vehicles, or with written authorization from the Superintendent.

- c. Operating a motor vehicle is prohibited on the beach between the Kismet dune crossing and the westernmost boundary of the Seashore adjacent to Robert Moses State Park, with the exception of law enforcement and emergency response vehicles serving in an official capacity or vehicle operators with written authorization from the Superintendent. (Ref: 36 CFR § 1.5(a))

Justification: These regulations are established in order to manage the operation of motor vehicles at the Seashore as required in 36 CFR§7.20. These regulations are created to provide clarification and direction concerning the vehicle permit system and to provide for the protection of the resource, particularly shorebirds and threatened and endangered species in the area.

7. Closures may be established to protect nesting shorebirds or to protect threatened/ endangered species or other species of concern. Such closures will be posted with signs and/or will be symbolically fenced (string and pole fencing with attached signs). These areas are closed to foot and vehicle traffic, which includes pets and kite flying. (Ref: 36 CFR § 1.5(a))

Justification: Closures of this nature may be required to limit visitor use impacts and maintain an environment that is essential for the survival of these species.

8. Entering the primary dune area from five feet south of the toe of the dune to five feet north of the north side of the dune is prohibited. This prohibition does not apply to constructed wooden walkways and designated dune crossings. Pedestrian dune crossings are identified by boardwalks constructed over the top of the dune or natural breaks that allow easy pedestrian access across the dune line. The following locations are posted as designated vehicle dune crossings:

- Smith Point
- Watch Hill
- Blue Point Beach
- Barrett Beach
- Fire Island Pines east
- Sailors Haven (2 crossings)
- Oakleyville
- Corneille Estates
- Kismet Firehouse (Ref: 36 CFR § 1.5(a))

Justification: Dunes provide protection and stability for natural Island communities. By providing established dune crossings, the integrity of the dune is maintained, whereas foot traffic in the dunes destroys the vegetation that holds the dunes together.

9. Entering a breach through federally-owned land and/or waters in the Seashore is prohibited, either on foot or by vessel. (Ref: 36 CFR § 1.5(a))

Justification: Breaches in a barrier island present a significant safety risk, as they can be unstable and often have strong currents running through them.

10. The State of New York public nudity laws are adapted by the Seashore under the Assimilative Crimes Act. Enforcement will be based on the totality of the circumstances and in accordance with the mission of the National Park Service and Fire Island National Seashore. The Seashore will enforce public nudity throughout the park versus a focused approach in specific areas. (Ref: 36 CFR § 1.5(a))

Justification: Public nudity has been prohibited in the State of New York since 1984 under New York State Penal Code 245.01. Public nudity is incompatible with NPS and the Seashore's purposes and values, and diminishes opportunities for current and future generations to enjoy, learn about, or be inspired by park resources or values. The park areas popular for clothing optional recreation could not sustain the visitor impacts of the crowds and this created a public safety hazard due to the lack of adequate facilities for trash and human waste. Additionally, areas popular for clothing optional recreation created user conflicts, and over time attracted visitors to the Seashore that engaged in public sex, voyeurism, exhibitionism, and other infractions such as controlled substance and alcohol violations.

11. Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Fire Island National Seashore is prohibited except as approved in writing by the Superintendent.

The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including recreation or commerce. (Ref: 36 CFR § 1.5(a))

Justification: Fire Island National Seashore is home to the Otis Pike Wilderness. In accordance with the Wilderness Act, the use of motor vehicles, motorized equipment, motorboats, landing of aircraft, and all other forms of mechanical transport are prohibited. For those park owned lands and waters within Fire Island National Seashore that do not fall under the wilderness provisions, this closure has been put in place to maintain public health and safety and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on the lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.

12. Metallized nylon balloons ("Mylar balloons") are prohibited on federally-owned National Seashore lands. (Ref: 36 CFR § 1.5(a))

Justification: Mylar balloons are far more resilient than rubber balloons and do not burst or break down easily in the atmosphere or the environment thus creating a refuse issue.

13. Kite flying is prohibited in the following areas:

- The William Floyd Estate
- Areas closed for the protection of colonial and shorebird nesting and rearing activities
- Designated lifeguarded beaches at Watch Hill, Sailors Haven, and Barrett Beach while lifeguards are on duty
- The area from the Wilderness Visitor Center west to Long Cove from March 15th through Labor Day
- The area defined as the Sailors Haven beach between the designated dune crossings from March 15th through Labor Day (Ref: 36 CFR § 1.5(a))

Justification: Kites have the ability to harm nesting shorebirds. These designated closed areas protect cultural and natural resources, provide for increased visitor safety, and protect threatened and endangered species. Prohibiting kite flying on the William Floyd Estate maintains the integrity of the cultural landscape.

14. An emergency traffic lane has been established ten (10) feet from the toe of the primary dune on the seaward side. The emergency traffic lane will be ten (10) feet wide. All other vehicles will travel at least twenty (20) feet from the toe of the primary dune on the seaward side. Obstructing this lane is prohibited.

(Ref: 36 CFR § 1.5(a))

Justification: Emergency vehicles must regularly transit the island, and frequently use the Atlantic route to do so. Providing a designated emergency access lane allows for the improved safety of both vehicle operators and beachgoers, and reduces the likelihood of obstructions, holes, and other hazards to emergency responders.

15. Appropriate attire is required for all visitors at the Lighthouse Tower, Keeper's Quarters, Lens Building and Old Mastic House. Appropriate attire is defined as a shirt that covers the chest and pants, shorts or a skirt that fully cover private or intimate parts, including the buttocks. (Ref: 36 CFR § 1.5(a))

Justification: The lighthouse sometimes attracts visitors from the beach in beachwear that may not be appropriate at another venue. This regulation is intended to mitigate user conflicts that may arise.

16. Shelters and tents for day use are subject to the following restrictions:

- a. Shelters may only be used on the vegetation-free beaches during daylight hours.
- b. Shelters must be temporary, and have no more than three sides (i.e. for a windscreen). Small tents (fitting in a 6 ft. by 6 ft. footprint) may be erected for the purpose of sun protection, but only when they do not unreasonably impede public access and emergency services movement.
- c. No individual barrier, or barrier in combination with others, will exceed twenty-five (25) feet in uninterrupted length. An obstruction-free corridor measuring at least fifteen (15) feet must be maintained between the barriers to ensure free access by all. (Ref: 36 CFR § 1.5(a))

Justification: The popular use of physical barriers along Fire Island National Seashore to block the wind or provide privacy has led to the construction of large, unnecessary obstacles along portions of the beach front. These barriers can significantly impede public access and emergency services movement along the beach, and limit public enjoyment of the beach by restricting public access. Prohibiting larger barriers allows improved access by the public and by emergency responders.

36 CFR § 1.6 – Permits

1. Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit.

Part 2 – Resource Protection, Public Use and Recreation

36 CFR § 2.1 – Preservation of Natural, Cultural and Archeological Resources

1. The following items may be collected by hand for personal use or consumption, provided that no person exceeds two quarts per day:
 - Bayberry (*Myrica spp.*)
 - Beach plum (*Prunus maritima*)
 - Bearberry (*Arctostaphylos uva-ursi*)
 - Raspberry (*Rubus spp.*)
 - Blackberry (*Rubus spp.*)
 - Serviceberry (*Amelanchier canadensis*)

- Cranberry (*Vaccinium macrocarpon* or *Vaccinium oxycoccos*)
- Blueberry (*Vaccinium corymbosum* [highbush], *Vaccinium angustogolium* [lowbush])
- Huckleberry (*Gaylussacia baccata*)
- Dewberry (*Rubus* spp.)
- Black cherry (*Prunus serotina*)
- Chokeberry (*Aronia arbutifolia*)
- Grape (*Vitis* spp.)
- Unoccupied Seashells (Ref: 36 CFR § 2.1(c)(1))

Justification: This allowance is made based on a determination that the gathering or consumption of small quantities of fruits, berries, and nuts will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

36CFR § 2.2 – Wildlife Protection

1. Waterfowl hunting is permitted at the Seashore in the area to the north of the Burma Road (or its trace, where the actual trail has been over-washed or overgrown) beginning ½ mile west of the boundary with Smith Point County Park known as Hayhole Point, and ending ½ mile east of Watch Hill known as Long Cove. Waterfowl hunting is also permitted in the waters surrounding Sexton Island, East Fire Island, and West Fire Island located in the Great South Bay out to 4,000 feet north of Fire Island. A Federal Duck Stamp, New York State hunting license, Migratory Bird Harvest Information Program (HIP) confirmation number, and a National Park Service waterfowl hunting permit are also required. (Ref: 36 CFR § 2.2(b)(1))

Justification: Under Public Law 88-587, enacted by the 88th Congress on September 11, 1964, The Secretary shall permit hunting, fishing and shell-fishing on lands and waters under his administrative jurisdiction in the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when no hunting shall be permitted for reasons of public safety, administration or public use and enjoyment. Any regulations of the Secretary under this Section shall be issued after consultation with the Conservation Department of the State of New York.

2. Hunters may only use steel shot while waterfowl hunting. (Ref: 36 CFR § 2.2(b)(4))

Justification: Lead is poisonous to humans, the environment and to the animals that may accidentally consume it.

3. Only waterfowl hunting is permitted within the boundaries of the National Seashore. (Ref: 36 CFR § 2.2(c))

Justification: The Seashore has determined that land based hunting for animals, such as rabbit and deer, are not compatible with other visitor uses due to the limited

amount of undeveloped land as it relates to developed areas in the park and the arrangement of the local communities within the park.

4. The transportation of lawfully taken wildlife through the park is permitted under the following conditions and procedures:
 - a. The transportation of wildlife must be in accordance with New York State Department of Environmental Conservation (DEC) rules and regulations.
 - b. Recognized organizations that hold current National Park Service, New York State DEC, U.S. Fish and Wildlife Service, and/or National Marine Fisheries Service permits in accordance with the Marine Mammal Act and the Endangered Species Act may transport and possess wildlife within Fire Island National Seashore boundaries.
 - c. Waterfowl lawfully taken within the boundaries of Fire Island National Seashore may be transported in accordance with a National Park Service hunting permit, a New York State Hunting License, and a Federal Duck Stamp. (Ref: 36 CFR § 2.2(d))

Justification: This regulation allows for the legal transportation of wildlife so long as it is harvested or collected in accordance with a valid hunting license or a valid permit.

5. The use of artificial light to view wildlife is prohibited within Fire Island National Seashore. (Ref: 36 CFR § 2.2(e))

Justification: Viewing wildlife with artificial light is a technique associated with hunting and is commonly referred to as "spotlighting". The use of artificial light to view wildlife negatively impacts the creatures in their natural environment.

36CFR § 2.3 – Fishing

1. Recreational fishing and shell fishing are authorized within the legislative boundary of Fire Island National Seashore. (Ref: 36 CFR § 2.3(a))

Justification: Under Public Law 88-587, enacted by the 88th Congress on September 11, 1964, The Secretary shall permit hunting, fishing and shell-fishing on lands and waters under his administrative jurisdiction in the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when no hunting shall be permitted for reasons of public safety, administration or public use and enjoyment. Any regulations of the Secretary under this Section shall be issued after consultation with the Conservation Department of the State of New York.

2. The harvest of horseshoe crabs (*Limulus polyphemus*) is prohibited within Fire Island National Seashore. (Ref: 36 CFR § 2.3(c))

Justification: A horseshoe crab is more closely related to an arachnid than a crab. Based on current case law (Associates of Cape Cod, Inc. and Jay Harrington vs. Bruce Babbitt), the National Park Service does not consider a horseshoe crab to be a fish or a shell fish; therefore, State of New York recreational fishing regulations do not apply. Collecting horseshoe crabs will not be considered under Seashore hunting regulations as the primary reason for collecting or hunting the horseshoe crab is to sell them for personal gain or to use them as fish bait.

36 CFR § 2.10 – Camping and Food Storage

1. The following areas have been designated for camping at the Seashore:

Front Country (Developed) Camping

- a. Watch Hill Campground (camping seasonally from Memorial Day to Columbus Day – see park webpage at www.nps.gov/fiis for current dates.)

Back Country (Undeveloped) Camping

- a. Fire Island Wilderness Eastern Zone - From 1000 feet west of Old Inlet to the eastern boundary of Bellport Beach (camping year round).
- b. Fire Island Wilderness Western Zone - From 1000 feet west of Bellport Beach to Long Cove (camping year round).
- c. Great South Beach Eastern Zone - From 1000 feet west of Old Inlet to the eastern boundary of Bellport Beach (camping seasonally from March 15th to Labor Day).
- d. Great South Beach Western Zone - From 1000 feet west of Bellport Beach to Long Cove between March 15 and Labor Day (camping seasonally from March 15th to Labor Day). (Ref: 36 CFR § 2.10(a))

Justification: Designated camping areas have been established in the Seashore to help protect the resources and to mitigate visitor use impacts.

2. During any time of the year, no more than 36 persons may camp in the back country. The break down for the specific areas are as follows:

Off Season (After Labor Day to March 14th)

- a. Fire Island Wilderness Eastern Zone – 12 people per night, no more than 4 to a campsite.

- b. Fire Island Wilderness Western Zone – 24 people per night, no more than 8 persons per campsite.

Peak Season (March 15th to Labor Day)

- c. Fire Island Wilderness Eastern Zone and the Great South Beach Eastern Zone - 12 people per night, no more than 4 to a campsite.
- d. Fire Island Wilderness Western Zone and the Great South Beach Western Zone– 24 people per night, no more than 8 persons per campsite.

The Great South Beach Zones (East and West) are the area from the toe of the dune to the waters edge on the ocean side. (Ref: 36 CFR § 2.10(a))

Justification: Maximum camping capacity has been established in the Seashore to help protect the resources and to mitigate visitor use impacts.

3. The following back country camping limits and regulations apply:

- a. Persons may not camp more than three (3) consecutive nights in the Fire Island Wilderness or on the Great South Beach, with a 48-hour break between visits.
- b. Persons may not camp more than fourteen (14) consecutive days without a 48 hour break at the Watch Hill Campground.
- c. Camping on any dune is prohibited.
- d. All trash and refuse must be carried out by visitors.
- e. Food left unattended at a campsite or a picnic area must be stored in a hard sided or similar container. (Ref: 36 CFR § 2.10(a))

Justification: Wilderness/Backcountry camping use limits were determined based on the Wilderness and Backcountry Guidelines meant to achieve optimal wilderness character. Use limits are established to create an equitable turnover to allow for more visitors to enjoy backcountry camping and to reduce the impact on park resources. Camping on a dune would reduce the integrity of the dune. Open fires in a windy, dry environment put the natural resources and visitors at risk of fire. In order to maintain a primitive camping experience and to protect the natural environment in the backcountry, all trash and refuse must be carried out.

- 4. A camping permit is required for all camping. Each person registering for a camping permit must be 18 years of age or older. The permit holder must also be a member of the camping party. (Ref: 36 CFR § 2.10(a))

Justification: An adult (18 years of age or older) is required to hold a permit because there is an obligation on the part of the permittee to obey the regulations associated with camping.

36CFR § 2.11 - Picnicking

1. Picnicking is prohibited at the William Floyd Estate, except in designated areas surrounding the public parking lot. (Ref: 36 CFR § 2.11)

Justification: The William Floyd Estate has many significant archeological, historic, and natural resources. Limiting visitor use to already-disturbed areas minimizes the impact to these resources, and maintains the cultural landscape.

36CFR § 2.13 – Fires

1. Open Fires are prohibited at the Seashore. Fires are permissible only under the following conditions:
 1. Charcoal fires are permitted in grills in designated picnic areas or at the Watch Hill campsites only. Charcoal fires are prohibited on boats within the marinas or on marina boardwalks. All on-board cooking devices, including electric grills, are restricted to the galley.
 2. Backpacking stoves or contained cooking units with a closed fuel source (e.g., propane, white gas) are allowed when picnicking or camping in the Seashore. (Ref: 36 CFR § 2.13(a)(1))

Justification: Open fires are prohibited due to wild land fire concerns to include potential impacts on the communities located within the legislative boundaries of the park. Limited use of charcoal fires and closed fuel source cooking devices has been allowed so long as they do not create a public hazard.

2. All fires and coals must be adequately extinguished using water. (Ref: 36 CFR § 2.13(b))

Justification: Water has been established as the source to be used to extinguish a fire. If not done properly, using sand can hide the smoldering fire and create a visitor safety issue.

36CFR § 2.15 – Pets

1. Possessing a pet in a public building, public transportation vehicle, a designated swimming beach, or the following structures or areas as designated by the Superintendent is prohibited:

- a. All federally-owned oceanfront National Seashore beaches from March 15 through Labor Day. National Seashore beaches are defined as beaches owned or hereafter acquired by the United States within the authorized boundaries of the Fire Island National Seashore, from the toe of the dune to the water's edge.
- b. Within the boundaries of the Otis Pike Wilderness from March 15 through Labor Day. (Ref: 36 CFR § 2.15(a)(1))

Justification: Possessing a pet in these areas has been restricted to mitigate user conflicts during periods of high visitation.

36CFR § 2.16 – Horses and Pack Animals

- 1. Horseback riding and the possession of pack animals are prohibited on National Seashore owned lands within the boundaries of Fire Island National Seashore.

(Ref: 36 CFR § 2.16(g))

Justification: Horses and pack animals create a conflict with other user groups, particularly during periods of high visitation, based on the limited undeveloped lands in the park that would be conducive to such activity.

36CFR § 2.18 - Snowmobiles

- 1. The use of snowmobiles is prohibited at the Seashore. (Ref: 36 CFR § 2.18(c))

Justification: The operation of snowmobiles is prohibited unless there are routes and water surfaces that are promulgated as special regulations. The Seashore has no such regulations.

36CFR § 2.19 – Winter Activities

- 1. Cross country skiing is permitted in the following areas:
 - a. Burma Road (applies only to federally held sections)
 - b. Roads and trails at the William Floyd Estate when the estate is open to the public.
 - c. Otis Pike Wilderness (Ref: 36 CFR § 2.19(a))

Justification: Winter sports are prohibited unless otherwise designated. This regulation defines those areas where cross country skiing may take place.

36 CFR § 2.21 – Smoking

1. Smoking is allowed at the Seashore under the following conditions:
 - a. Smoking is prohibited in all government buildings.
 - b. Smoking is prohibited within 25 feet of the exterior of all government buildings.
 - c. Smoking is prohibited on lifeguarded beaches. (Ref: 36 CFR § 2.21(a))

Justification: Smoking is prohibited in all Federal buildings under Executive Order 13058. This restriction is intended to provide a smoke free environment for those areas, such as lifeguarded beaches and building entryways that tend to have a high concentration of visitors.

36CFR § 2.35 – Alcoholic Beverages and Controlled Substances

1. The two Federal tracts of land located within the Town of Islip and between the communities of Atlantique and Corneille Estates are closed to the consumption of alcoholic beverages and/or the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed.

(Ref: 36 CFR § 2.35(a)(3)(i))

Justification: These two tracts of Federal land are located within the town of Islip and are isolated to the east and the west from other Federal lands by numerous Town of Islip communities. For many years the Town of Islip has prohibited the consumption of alcoholic beverages on public lands, which includes beaches. Over the past few years, visitors realized that the Seashore did not prohibit the consumption of alcoholic beverages on these two tracts of land. These Federal lands became a destination for individuals wishing to consume alcoholic beverages. On busy weekends these lands were attracting approximately 500 to 1,000 visitors. The visitation quickly outgrew the public use capacity of these lands. These lands were never intended to accommodate so many visitors and therefore, amenities such as garbage receptacles and bathrooms were not installed. Visitor services, such as lifeguarded beaches, were not provided because there was no direct NPS ferry service to this location. As such, issues developed relevant to public health and safety as well as resource degradation. Large groups of visitors, to the point of standing room only, were observed consuming large quantities of alcoholic beverages. On at least one occasion, locals from the adjacent communities had to assist an intoxicated individual out of the water. Visitors were improperly disposing of human waste on park lands as well as in the adjoining communities on private property. Visitors were damaging the resources by crossing the dunes and trampling the vegetation. Visitors would depart in the evenings leaving behind large amounts of trash, which was comprised mostly of empty alcoholic beverage containers. This debris would then

have to be removed by park staff. By establishing this alcohol closure, it is the intent of the Seashore that the concentration of visitation will be redistributed more evenly across the adjacent beaches, thus reducing the visitor health and safety issues as well as the resource degradation.

The possession or consumption of alcoholic beverages in the Lighthouse Tower, Keepers Quarters, Lens Building and Old Mastic House is prohibited except pursuant to the terms and conditions of a permit. (Ref: 36 CFR § 2.35(a)(3)(i))

Justification: The consumption of an alcoholic beverage in a federally owned building is not allowed without the written consent of the Director or his or her designee.

36CFR § 2.51 – Demonstrations

The following locations are designated as available for demonstrations:

- a. Adjacent to the Visitor Shelter at the Park's western boundary
- b. Smith Point West Parking Lot
- c. Patchogue- Watch Hill Ferry Parking Lot south of the terminal building
- d. The South parking lot, south of the Park Headquarters Building
- e. The William Floyd Estate public parking lot
- f. "A" Basin Picnic Area at Watch Hill
- g. "east" Marina picnic area in Sailors Haven (Ref: 36 CFR § 2.51(c)(2))

Justification: Limiting heavy visitor use at large events to specific areas protects natural and cultural resources, and minimizes these events' impact to the public use and enjoyment of the park.

Part 3 – Boating and Water Use Activities

36CFR § 3.14 – Removing a Sunken, Grounded or Disabled Vessel

1. The removal of a vessel and its cargo must be done in accordance with the following established procedures:
 - a. Any grounded vessel must have removal arrangements made by the owner within 72 hours of the grounding. The vessel will be removed in its entirety within seven days of the grounding, except as otherwise authorized by the Superintendent.
 - b. If an unseaworthy vessel is cut up on the beach to facilitate easier removal, the owner is responsible for taking adequate measures to prevent the spill of hazardous materials or the undue destruction of natural resources. The owner is responsible for the removal of ALL debris associated with the vessel. If it is determined by the National Park Service that debris is still on scene

after removal, the park may require additional cleanup or charge the owner for the cost of cleanup. (Ref: 36 CFR § 3.14(a))

Justification: These procedures have been put in place to ensure the timely removal and/or cleanup of a vessel that has become disabled, grounded or sunken. A vessel that has become disabled, grounded or sunken may present a danger to park visitors and the park resources.

36 CFR § 3.16 – Swimming and Wading

1. Swimming is permitted at the Seashore; however, swimming is prohibited in and around all National Park Service marinas, in designated boat channels, and within 25 feet of any breakwater or pilings. (Ref: 36 CFR § 3.16)

Justification: These restrictions and conditions are established to promote visitor safety and to ensure safe boating in and around the marinas and channels.

36 CFR § 3.17 – Swimming Areas and Beaches

1. Lifeguarded swimming beaches have been established by the Superintendent for the enjoyment of park visitors. These lifeguarded beaches are designated by the placement of signs and flags at the following locations:

- Watch Hill
- Sailors Haven
- Barrett Beach

The following are prohibited at these designated swimming beaches from Memorial Day through Labor Day:

- Surfing
- Fishing
- Glass bottles (Ref: 36 CFR § 3.17(c))

Justification: Glass bottles pose a significant safety hazard on sand beaches. Fishing and surfing are activities that conflict with swimming and pose a potential safety risk.

36 CFR § 3.18 – Scuba and Snorkeling

1. Snorkeling and underwater diving is allowed at the Seashore; however, diving and snorkeling are prohibited inside marinas and designated boat channels, except in accordance with official Government business or with a permit issued by the Superintendent. (Ref: 36 CFR § 3.18(a))

Justification: These restrictions and conditions are established to promote visitor safety and to ensure safe boating in and around the marinas and channels.

Part 4 – Vehicles and Traffic Safety

36 CFR § 4.30 – Bicycles

1. The following regulations have been established concerning bicycles at the Seashore.
 - a. Bicycles are permitted on park roadways and off road routes consistent with motor vehicle travel. Additionally all ocean beaches have been designated for bicycle use.
 - b. Bicycles are not permitted on Seashore boardwalks, in marina areas, or in the Fire Island Wilderness. Riders may not ride abreast of one another
 - c. Riding a bicycle abreast of another rider is prohibited except for on the following routes:
 - Burma Road through the Lighthouse Tract
 - All ocean beaches (Ref: 36 CFR § 4.30(f))

Justification: These designations are based on the determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources.

Part 7 – Special Regulations, Areas of the National Park System

36 CFR § 7.20 – Fire Island National Seashore

1. Driving is prohibited on federal lands within Fire Island National Seashore from June 14 through September 14, except by authorization of the Superintendent.

(Ref: 36 CFR §7.20(a)(10)(iii))

Justification: This driving closure has been established because of the high visitation that the island receives during the summer months. The conditions created by this high visitation would make travel hazardous and would endanger Seashore resources.